

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DISABILITY ADVOCATES, INC.,

Plaintiff,

v.

ELIOT SPITZER, in his official capacity as Governor of the State of New York, RICHARD F. DAINES, in his capacity as Commissioner of the New York State Department of Health, MICHAEL F. HOGAN, in his capacity as Commissioner of the New York State Office of Mental Health, THE NEW YORK STATE DEPARTMENT OF HEALTH, and THE NEW YORK STATE OFFICE OF MENTAL HEALTH,

Defendants.

03 Civ. 3209 (NGG) (MDG)

**DECLARATION OF ANNE S.  
RAISH IN SUPPORT OF  
DISABILITY ADVOCATES, INC.'S  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

**VOLUME I OF II**

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**DECLARATION OF ANNE S. RAISH  
IN SUPPORT OF DISABILITY  
ADVOCATES, INC.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

ANNE S. RAISH declares pursuant to 28 U.S.C. § 1746:

1. I am an associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019-6064, attorneys for plaintiff Disability Advocates, Inc. in the above-captioned case. I submit this declaration in support of Disability Advocates, Inc.'s Motion for Partial Summary Judgment, which was electronically filed with the Court on August 10, 2007.

2. I attach here true and correct copies of the following documents, with Confidential information redacted as necessary pursuant to the Protective Order, dated May 19, 2004:

Exhibit 1: Excerpts from the Deposition of Jan Tacoronti, dated May 25, 2005

Exhibit 2: New York State Department of Health Adult Care Facility Census Report 2006

- Exhibit 3: Excerpts from the Deposition of Lisa Wickens, dated Jun. 8, 2005
- Exhibit 4: Excerpts from the Deposition of Joseph Reilly, dated May 25, 2005
- Exhibit 5: Excerpts from the Deposition of Denise Kerr, dated Oct. 1, 1004
- Exhibit 6: Excerpts from the Deposition of Dr. Martha Bruce, dated July 22, 2005
- Exhibit 7: Adult Home Assessment Project Data Documentation, 2003-2005, DOH 0130330-430
- Exhibit 8: E-mail from Kelly A. Hansen to Martha Bruce, dated Nov. 4, 2004, Bruce Ex. 6
- Exhibit 9: Excerpts from the Deposition of Glenn Liebman, dated June 1, 2005
- Exhibit 10: Analytic Plan for Adult Home Assessments, OMH 0027580-82
- Exhibit 11: Defendants' Objections and Responses to Plaintiff's First Set of Requests for Admissions, dated May 23, 2005
- Exhibit 12: Excerpts from the Deposition of Keith Simons, dated April 18, 2006
- Exhibit 13: MISCC Mission Statement, EXEC 0003371-79
- Exhibit 14: Excerpts from the Deposition of Kathryn Kuhmerker, dated October 18, 2005
- Exhibit 15: Letter from Barbara Hathaway to Anne Raish, dated Feb. 21, 2006
- Exhibit 16: Amended Notice of Deposition of Keith Simons Pursuant to Federal Rule of Civil Procedure 30(b)(6)
- Exhibit 17: N.Y. Mental Hyg. Law § 5.07
- Exhibit 18: Defendants' Responses and Objections to Plaintiff's Second Set of Interrogatories, dated March 18, 2005

- Exhibit 19: Excerpts from the First Deposition of Robert Myers, dated May 3, 2005
- Exhibit 20: Amended Notice of Deposition of Robert Myers Pursuant to Federal Rule of Civil Procedure 30(b)(6)
- Exhibit 21: Excerpts from the Second Deposition of Robert Myers, dated May 23, 2006
- Exhibit 22: Letter from Barbara Hathaway to Tania Brief, dated May 5, 2006
- Exhibit 23: Excerpts from the Deposition of Catherine Lennon, dated Oct. 19, 2004
- Exhibit 24: Excerpts from the Deposition of Mary Hart, dated Oct. 5, 2004
- Exhibit 25: Amended Notice of Deposition of Lewis Campbell Pursuant to Federal Rule of Civil Procedure 30(b)(6)
- Exhibit 26: Excerpts from the Deposition of Lewis Campbell, dated Apr. 4, 2006
- Exhibit 27: OMH Official Policy Manual, OMH 008067-73
- Exhibit 28: Defendants' Objections and Responses to Contention Interrogatory, dated Jan. 20, 2006
- Exhibit 29: Excerpts from the Deposition of David Wollner, dated Oct. 25, 2005
- Exhibit 30: Excerpts from the Deposition of Michael Newman, dated May 16, 2005
- Exhibit 31: New York State Department of Health Adult Care Facility Census Report 2004-2006
- Exhibit 32: OMH Response to FOIL Request, appended to Letter from Casey Cannistraci to Davin Robinson, dated Jan. 9, 2006
- Exhibit 33: Guiding Principles for the Redesign of the Office of Mental Health Housing and Community Support Policies, [www.omh.state.ny.us/omhweb/](http://www.omh.state.ny.us/omhweb/)

News/housing\_policy.html)), downloaded May 11, 2007, printed June 4, 2007

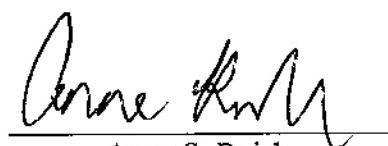
- Exhibit 34: 18 N.Y.C.R.R. §§ 485.3, 487.1
- Exhibit 35: Excerpts from the Deposition of Susan Baer, dated Dec. 6, 2005
- Exhibit 36: N.Y. Mental Hyg. Law §§ 7.01, 7.07
- Exhibit 37: Excerpts from the Deposition of Karen Schimke, dated Sep. 22, 2005
- Exhibit 38: Memorandum to Members of Mental Health Services Council, from Commissioner James Stone, dated Nov. 22, 2002, OMH 004264-4268
- Exhibit 39: Excerpts from the Deposition of Eric Mendel, dated Sept. 28, 2005
- Exhibit 40: New Central Manor Adult Home Facility Rules and Conditions, Mendel Dep. Ex. 4
- Exhibit 41: Excerpts from the Deposition of Hinda Burstein, dated Aug. 16, 2005
- Exhibit 42: Excerpts from the Deposition of Adult Home Resident Withheld as Confidential Pursuant to Protective Order, dated May 19, 2004
- Exhibit 43: Excerpts from the Deposition of Adult Home Resident Withheld as Confidential Pursuant to Protective Order, dated May 19, 2004
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- Exhibit 47: Excerpts from the Deposition of Adult Home Resident Withheld as Confidential Pursuant to Protective Order, dated May 19, 2004
- Exhibit 48: Excerpts from the Deposition of Jeffrey Geller, dated Oct. 20, 2006
- Exhibit 49: CUCS Supportive Housing Options NYC, Wagner Dep. Ex. 6
- Exhibit 50: Final OMH Supported Housing Implementation Guidelines, OMH 0037512-30
- Exhibit 51: Draft OMH Supported Housing Implementation Guidelines, Myers Dep. Ex. 5
- Exhibit 52: Excerpts from the Deposition of Antonia Lasicki, dated Nov. 15, 2005
- Exhibit 53: Excerpts from the Deposition of Sam Tsemberis, dated Oct. 12, 2005
- Exhibit 54: Excerpts from the Deposition of Raymond Schwartz, dated Nov. 17, 2005
- Exhibit 55: Excerpts from the Deposition of Raymond Schwartz, continued, Dec. 2, 2005
- Exhibit 56: 2004-2008 Statewide Comprehensive Plan for Mental Health Services, OMH 005924-6156
- Exhibit 57: Report of the Adult Care Facilities Workgroup, dated Oct. 2002
- Exhibit 58: New York Adult Home Assessment Project, dated May 13, 2004, DOH 0086138-251
- Exhibit 59: Grant Contract between Department of Health and New York Presbyterian Hospital, dated Dec. 12, 2003, DOH 012784-815
- Exhibit 60: Letter from Barbara Hathaway to Anne Raish, dated July 6, 2005
- Exhibit 61: Defendants' Amended Objections and Responses to Plaintiff's First Set of Requests for Admissions, dated July 18, 2005

Exhibit 62: 2005-2009 Statewide Comprehensive Plan for  
Mental Health Services, OMH 0037082-247

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York  
August 31, 2007



Anne S. Raish